

REMARKS

Claims 1-33 are pending in the present application. In the Final Office Action, claims 1-2, 4-9, 12-13, 15-20, and 25-33 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Angelo, et al (U.S. Patent No. 6,581,162). Claims 3 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Angelo in view of the admitted prior art. Claims 10-11 and 21-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Angelo in view of Colvin (U.S. Patent No. 6,044,471). The Examiner's rejections are respectfully traversed.

Independent claims 1, 12, 25, 28, and 31 set forth, among other things, an indicator configured to indicate when the computer system is in a first operating mode, a first timer configured to indicate a duration in which the indicator is active, and control logic coupled to receive the duration from the first timer. The control logic is configured to provide a control signal upon the duration reaching a predetermined value.

Angelo describes techniques for creating, storing, and using encryption keys in a distributed computing environment. In particular, Angelo describes system management interrupts that may be asserted by a system management interrupt timer, by a system requests, or by other means. A system management interrupt active signal may be provided by a processor to indicate operation in a system management mode. See Angelo, col. 7, line 55 – col. 8, line 11. The Examiner alleges that the system management interrupt timer described by Angelo inherently counts to a time limit. The Examiner therefore alleges that Angelo inherently describes a timer configured to indicate a duration in which the indicator (e.g., the indicator configured to indicate when the computer system is in a first operating mode) is active.

Inherency in anticipation requires that the asserted proposition *necessarily* flow from the disclosure. Applicants respectfully submit that Angelo does not explicitly or inherently anticipate

the present invention. When a conventional computer system is not operating in the system management mode, system management timers may be initiated in response to various events. If the system management timer reaches a predetermined time limit, then the system management interrupt may be asserted and the conventional computer system may enter the system management mode. Thus, the system management timers indicate a duration following the initiating event, but the system management timers do not (explicitly or inherently) indicate a duration of any particular operating mode of the computer system. Accordingly, Applicants respectfully submit that Angelo does not (explicitly or inherently) describe or suggest a first timer configured to indicate a duration in which the indicator (e.g., the indicator configured to indicate when the computer system is in a first operating mode) is active. Consequently, Angelo is also completely silent with regard to a control logic coupled to receive the duration from the first timer and with regard to configuring the control logic to provide a control signal upon the duration reaching a predetermined value.

For at least the aforementioned reasons, Applicants respectfully submit that the present invention is not anticipated by Angelo and request that the Examiner's rejections of claims 1-2, 4-9, 12-13, 15-20, and 25-33 under 35 U.S.C. 102(e) be withdrawn.

Moreover, it is respectfully submitted that the pending claims are not obvious in view of the prior art of record. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). As discussed above, Angelo does not describe or suggest a first timer configured to indicate a duration in which the indicator is active. Angelo is also completely silent with regard to a control logic coupled to receive the duration from the first

timer. Angelo is also completely silent with regard to configuring the control logic to provide a control signal upon the duration reaching a predetermined value.

The admitted prior art describes a south bridge. However, the admitted prior art does not describe or suggest a first timer configured to indicate a duration in which an indicator that indicates when the computer system is in a first operating mode is active. The admitted prior art is also completely silent with regard to a control logic coupled to receive the duration from the first timer. Furthermore, the admitted prior art is completely silent with regard to configuring the control logic to provide a control signal upon the duration reaching a predetermined value.

Colvin describes techniques for securing software to reduced unauthorized use. In particular, Colvin describes passwords that authorized software to execute on a computer for a predetermined period of time. However, Colvin fails to describe or suggest a first timer configured to indicate a duration in which an indicator that indicates when the computer system is in a first operating mode is active. Colvin is also completely silent with regard to a control logic coupled to receive the duration from the first timer. Furthermore, Colvin is completely silent with regard to configuring the control logic to provide a control signal upon the duration reaching a predetermined value.

For at least the aforementioned reasons, Applicants respectfully submit that the Examiner has failed to make a prima facie case that the present invention is obvious over the prior art of record and request that the Examiner's rejections of claims 3, 10-11, 14, and 21-24 under 35 U.S.C. 103(a) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the

undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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